

## WASTE 2 RESOURCES ADVISORY COMMITTEE

### \*\* MEETING SUMMARY \*\*

March 20, 2012, 9:30 a.m.

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Dean Large, Committee Chair, called the meeting to order at 9:35 a.m., and introductions were made. Dean asked for a motion to approve the November 15 meeting notes. There was a motion to adopt them. The motion was seconded and the notes were approved.

#### ***Budget/Legislative Update - Laurie Davies***

**Contact:** 360-407-6103, [Laurie.Davies@ecy.wa.gov](mailto:Laurie.Davies@ecy.wa.gov)

Special Legislative Session continues with no end in sight. The Governor has expressed frustration over how to close the budget gap and how much to leave in reserves, how much should go toward K-12 education, etc. Ecology's budget was targeted more than other natural resource agencies.

Currently in both the House and Senate, the MTCA Account is overappropriated by \$25 million or more. The Legislature determined there is a "burn rate" in the account. So far CPG is faring well in all budget proposals.

There is also a \$1.7 million reduction to WRRLCA and language that prohibits Ecology from spending money on recycling programs. Most other accounts are adequately appropriated, except mercury lights. We need the ability to collect fees.

Dennis Durbin asked if Laurie has heard about the 3.6 percent solid waste tax. Laurie said it's in the Senate's version of the budget with varied language proposals, including either making it for ten years or in perpetuity.

Dean Large asked if MTCA is overfunded. Laurie said yes, in differing degrees in both the House and Senate proposed budgets.

Sandra Cannon asked if the PPG reduction is still in play. Laurie said it's in all three proposed budgets.

Jan Gee said we have a lot of work to do – there is a lot of negativity around these funds. Industry and Ecology need to work more closely on budget issues. Laurie asked Jan if she knows where the latest budget proviso came from. Jan said no.

Laurie said the W2R Program analyzed and tracked more than 17 bills this session, but none of them made it very far including plastic bags, paint, batteries, and mercury lights product stewardship. The Children's Safe Products bill is the only legislation still in play.

***Funding & Program Priorities Followup Discussion - Laurie Davies***  
**Contact: 360-407-6103, [Laurie.Davies@ecy.wa.gov](mailto:Laurie.Davies@ecy.wa.gov)**

A spreadsheet was created summarizing the group's comments and stakeholder groups represented as followup to the November 15 discussion on program priorities. It is posted on the W2RAC website. It seems clear the Committee desires to continue core programs. The Beyond Waste Plan got ranked fairly low, but work to implement the plan ranked high. Illegal dumping also ranked high.

Dean Large asked how comments were grouped on the ranking spreadsheet. Lorie Hewitt said the spreadsheet shows checkmarks in areas where comments were heard and from what stakeholder groups. The checkmarks do not indicate how many committee members made the same comments. One checkmark could represent comments from many committee members.

Sego Jackson said he is not surprised to see the Beyond Waste Plan not supported, not in terms of the work of the plan, but the plan itself (or its title).

John Sherman thought it was a good idea to create a concise spreadsheet.

Laurie Davies said there have been a lot of "runs" at the WRRLCA Account. We should look at what the message is behind the budget proviso as a group. Laurie said the Legislature is also looking very strongly at MTCA. It is becoming increasingly difficult to preserve the account for what it was originally intended.

Jan Gee suggested we work as a group in the interim on how to protect the account from further erosion. She cited the university president model where they come together to work on priorities and stick to the message during session. We need to come together on environmental programs. Jan added that if the WRRLCA Account continues to dwindle, we need to look at lifting the tax since work won't be done that the tax is intended to support.

Jody Snyder asked where we should focus our limited resources. Regarding the spreadsheet summary of comments, does a checkmark indicate positive or negative feedback? Lorie Hewitt said no. A checkmark indicates a W2RAC member from a certain category of stakeholder group mentioned the activity is a priority.

***Illegal Dumping Discussion (Including Marine Debris) - Laurie Davies***  
**Contact: 360-407-6103, [Laurie.Davies@ecy.wa.gov](mailto:Laurie.Davies@ecy.wa.gov)**

Laurie wants to know what W2RAC's thoughts are on how Ecology should move forward on illegal dumping, including enforcement. Given how solid waste is regulated, Ecology could provide technical or monetary assistance.

Matt Henry said sham recycling and illegal dumping issues are rolled together. There are rules and regulations on the books, but no critical mass as to how they get enforced.

John Sherman said from the perspective of health departments, funding and support are needed. Perhaps Ecology could tie minimal service levels in.

Laurie asked John if he would like to see a tie to CPG. John said he'd like to see a reasonable, minimal service level. Ecology could assess the situation statewide and think about tying funding to a minimal level of enforcement work across the state and standardizing costs. We could use CPG funds for enforcement and prioritize illegal dumping.

Laurie said with CPG we have the ability to have minimal base funding in the offset cycle. We review and approve plans, and help health departments implement them. WUTC also reviews local plans. Ecology reviews/concurs on permits. We can't do enforcement in lieu of the health departments. That has to happen in the jurisdictions. We are working now with a local government on hauling illegally in our technical assistance role.

Lorie Hewitt said there is good coordination with WUTC on transporter registrations. Gene Eckhardt said WUTC takes action when they find a company transporting without the proper permits. Enforcement on the WUTC side is purely administrative and not about harm caused. He commented that WUTC's proposed rulemaking, which was trying to distinguish more between recycling and solid waste, won't go forward because of the Governor's moratorium on rules.

Dennis Durbin said his public works department uses WRRLCA funding for illegal dump cleanup. Health departments investigate. His boss says they're not on the enforcement side – just cleanup. Jody Snyder asked if illegal dumps are mostly household or commercial. Dennis said most are residential with a lot of tires.

David Baker asked about CPG allocation, local match funding and outcome reporting. Laurie Davies said in that scenario we would ask the recipient to report on the number of sites and the outcome. Twenty percent of litter funding goes to local governments for litter pickup. Most of those are city and county jails to run work crews picking up litter. EYC cleans up a lot of illegal dumps (boat launches, state parks, etc.).

Art Starry commented the piece that seems to be missing is whether the job is getting done statewide. Are we meeting the needs of the citizens of the state? This leads to a discussion of funding and if we are fulfilling the law. For Art's county, the solid waste funding they receive doesn't nearly cover the cost. They have a variety of innovative programs, e.g. civil penalties. We need to evaluate how big the problem is. We're talking about more work and money.

Lorie Hewitt suggested including unmet needs in the CPG Biennial Report.

Laurie Davies said Ecology could focus more on exempt facilities. If we had more resources we could do a better job figuring out if they are truly recycling.

Dean Large asked Jan Gee (since her group was the author of percentages/allocation) if her group is happy with those numbers or if she wishes they were different. Jan said they're reasonably happy with the 50/30/20 percentages, but Ecology and industry used to meet more often to discuss the funding. There have been a number of very negative comments from legislators about 1-800-Recycle Hotline. Lorie Hewitt pointed out they still keep putting the hotline in statute. Jan said we need to convince legislators the hotline has value.

Brad Lovaas ran across a big poster from 15 years ago that depicted a collaborative effort to address illegal dumping. We're seeing a de-emphasis on efforts in general; not just Ecology's. He noted how funding is leaving the solid waste system, e.g. the solid waste tax.

Jan Gee thinks the budget will start to stabilize, and we will be able to start reestablishing programs and regain some funding we've lost. We need to make sure we make our case for the value of our work.

Sego Jackson observed that we need to get people together around these issues -- Divided we fall. The 1-800-Recycle Hotline is a good example. Snohomish County staff rely on the 1-800-Recycle Hotline. Laurie Davies commented that the negative reaction to suspending the hotline was overwhelming.

***Recycling Rate Briefing – Gretchen Newman***

***Contact: 360-407-6097, [Gretchen.Newman@ecy.wa.gov](mailto:Gretchen.Newman@ecy.wa.gov)***

Gretchen Newman gave the group a PowerPoint presentation to update the group on the recycling rate. We're in the 25<sup>th</sup> year of recycling data measurement in Washington. Gretchen emphasized the following points:

- Total waste generation increased 1.5 million tons out of 16.6 million total, or 10 percent from 2009 to 2010.
- In 2010, the MSW recycling rate rose almost three percentage points to its highest rate ever at 49 percent. We have to recognize that this is a collection rate – considering recycling residuals and contamination in the comingled stream may be somewhere from 15 to 30 percent for some materials. However, the amount of comingled compared to source separated is low (only about eight percent of the overall materials collected for recycling is comingled). If we assume about a 30 percent residual and contamination rate for comingled, this brings the entire recycling rate down to 48.1 percent (not even a full percentage point difference overall).
- To get a better estimate for the true recycling rate we could do a sampling study for recyclables. By sampling at MRFs, recycling facilities, mills, and other places where recyclable materials end up, we could estimate the amount of residuals, contamination, or

out-throws, and estimate the true recycling rate. With such a study, we could also find out what really happens to the material collected, such as how much closed loop recycling is taking place versus other uses of the materials collected.

Gretchen's presentation and notes are posted on the W2RAC website.

Suellen Mele asked if residuals are included in the recycling rate. Gretchen said for those facilities that report, we take residuals out.

***Commingling Workgroup Update – Shannon McClelland***  
**Contact: 360-407-6398, [Shannon.McClelland@ecy.wa.gov](mailto:Shannon.McClelland@ecy.wa.gov)**

Shannon gave the group a PowerPoint presentation to update them on the Washington Commingled Improvements Project. Her presentation is posted on the W2RAC website.

Suellen Mele wondered what the possibilities are of replicating this effort across the state. Shannon said once the workgroup has wrapped up their monthly meetings, she will cast the invitation to the Northwest Region to see if there's interest.

Dennis Durbin said people in Spokane are recycling glass at \$5/ton and his residents hear that. But costs in Stevens County to transport glass to a recycler could be \$85/ton. It's the local governments that have to establish what they can and can't collect.

Both Brad Lovaas and Scott Windsor said to not "cookie-cut" recycling programs. Leave it to the individual municipalities.

***Rules Update – Lorie Hewitt, Kathi Scanlan, Chery Sullivan***  
**Contact: 360-407-6071, [Lorie.Hewitt@ecy.wa.gov](mailto:Lorie.Hewitt@ecy.wa.gov); 360-407-6559, [Kathleen.Scanlan@ecy.wa.gov](mailto:Kathleen.Scanlan@ecy.wa.gov); 360-407-6915, [Chery.Sullivan@ecy.wa.gov](mailto:Chery.Sullivan@ecy.wa.gov)**

Lorie Hewitt, Kathi Scanlan and Chery Sullivan gave the group a PowerPoint presentation to update them on the progress of rules the W2R Program is working to either revise or adopt:

- WAC 173-351 – Criteria for Municipal Solid Waste Landfills
- WAC 173-910 – Mercury-Containing Lights Product Stewardship Program
- WAC 173-350 – Solid Waste Handling Standards (Composting & Anaerobic Digestion)

Their presentation is posted on W2RAC's website.

Regarding municipal solid waste landfills, Dean Large asked for a definition of “functionally stable.” Laurie Davies suggested looking at the postclosure guidance that just came out. Other questions included:

- How do you calculate post-closure costs using a risk-based approach with the elimination of the 30-year term?
- What new design criteria/standards do we have that allows unlined landfills in the state?

Kathi Scanlan will get back to the Committee with answers.

Regarding the Compost Rule revision, Jan Gee asked what the reality impact of the .1 percent lightweight plastic by weight of sample is to the retail industry. Will it lead to local communities banning plastic bags? Chery Sullivan said no. That is not the intention of the proposed standard, and if .1 percent is too strict to let us know.

Scott Windsor asked whether testing is pre-or post processing. Chery said post.

Dean Large asked where the percentage is coming from. Some states are considering two standards, one for total weight of foreign matter in a given sample, and one for total weight of plastics in that same sample. Chery said contamination with plastic has increased as we have embraced food composting, and “compostable” plastics.

Brad Lovaas asked about plastic coated cups. Chery said if it’s non-compostable, the draft rule says .1 percent. The draft rule doesn’t prohibit a facility from accepting certain materials, but relies on a facility to meet the standard for product quality. Brad said what we need is to change people’s habits.

Suellen asked if marketed material now meets this .1 percent standard. Chery replied some does and some doesn’t.

Other questions raised by Jerry Smeades and Jody Snyder related to whether composted material is a product or a waste. They felt that considering all material onsite (including composted material) a solid waste was a major policy change not supported by statute. Chery responded that Ecology has checked with the AAG, and statute does not prohibit a change in the rule to consider all material onsite a waste until it is distributed offsite.

The W2RAC had no questions or comments on the Mercury Rule presentation.

***Q&A - EPA Region 10 on Solid Waste Issues on Tribal Lands – Fran Stefan***  
***Contact: 206-553-6639, [Stefan.Fran@epamail.epa.gov](mailto:Stefan.Fran@epamail.epa.gov)***

Fran Stefan introduced Al LaTourrette, a field liaison for EPA and tribes.

Fran said that EPA's Tribal Program works with federally recognized tribes on a government-to-government basis. EPA Region 10 is divided up into regions and services Washington, Oregon, Idaho and Alaska. Twenty-nine tribes are in Washington State. EPA Region 10 has 50 percent of the tribes in the U.S. The majority are in Alaska.

EPA has no authority to approve solid waste permitting programs. Subtitle D is considered self-implementing. For tribes this has created a unique situation. Court challenges have determined EPA doesn't have the authority to approve tribal solid waste programs. There isn't a provision of funds from the Federal Government through EPA to states to run solid waste programs, nor is there a provision to help tribes in that area. However, EPA does have funds for training, and there are meth lab programs (with TSWAN) and a household hazardous waste program in Alaska.

TSWAN has played a national leadership role in helping tribes identify and deal with meth labs on their lands. EPA liaisons work on some solid waste issues, e.g. dumps, particularly in Alaska and the Pacific Northwest to help resolve reservation specific issues, work with Indian Health Services, etc.

One primary source of the Indian General Assistance Program provides baseline funding of \$125,000 per year for each tribe to establish environmental programs and presence. The tribes are provided with training to maintain their programs. There are limitations on how the funding can be used.

If you have concerns about what you see on tribal lands, you can call EPA. EPA works with other agencies such as USDA and Indian Health Services to fund cleanups of open dump sites.

John Sherman asked who they can refer questions to regarding Pierce County and if EPA has the authority to trigger improvements.

Fran said EPA's authorities are limited. They are always willing to meet with a tribe to see if they can improve a situation. It would have to be a very severe case for EPA to use RCRA Subtitle D to take any enforcement action. Questions can be directed to Fran at 206-553-6639 or Al at 206-553-8202.

***Agenda Items for Future Meetings***

- CPG Applications – Shelly McMurry, May 2012
- Scrap Metal Buying and Storing, TBD
- Briefing on the WARM Model – Gretchen Newman, TBD
- Presentation on Public Participation Grants - Jason Alberich, May 2012
- Marine Debris – Chuck Matthews & Paul Ehlers, May 2012
- EPA's New Sustainable Materials Management Program – Issues We Can Work on Together – Lisa McArthur, TBD

***Meeting adjourned at 12:35 p.m.***

**Submitted by:** Susanne McLemore